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days in two or more newspapers published in the municipality of a resolution declaring such assessment to be expedient, is in contravention of Amendment XIV of the Constitution of the United States, and therefore void, as it provides no tribunal before which, place where, or time within which, parties to be affected may contest the legality, justice, or correctness of the assessment. If the publication is intended as notice to appear before the council and contest the assessment, and that be the law, it is not full and clear enough to disclose that fact to a person of ordinary intelligence.

JONES v. CITY OF WILLIAMSBURG.—Decided at Richmond, January 18, 1900.—*Riely, J.:*

1. **MUNICIPAL CORPORATIONS**—*Governmental duties—Private or ministerial duties—Liability.* The powers conferred upon a municipal corporation for the government of that portion of the public residing within its limits are called governmental, legislative, or discretionary powers. For injuries resulting from the failure to exercise these powers, or for their negligent or improper exercise, the municipality is not liable. But powers and privileges conferred for its private advantage impose corresponding duties which are ministerial and absolute. For injuries resulting from a failure to exercise these powers and duties, or for negligence in their exercise the municipality is liable in an action for damages in the same manner as a private individual.

2. **MUNICIPAL CORPORATIONS**—*Laying out streets—Keeping streets in order.* The right to lay out streets and to regulate their use when laid out, and to suspend such regulations at pleasure, are governmental and discretionary powers, but, when laid out, the duty to keep them in a reasonably safe condition for travel is a ministerial and positive duty. For their safe condition the municipality is liable, but for their unlawful or improper use it is not.

3. **MUNICIPAL CORPORATIONS**—*Streets—Sidewalks—Bicycles—Failure to pass ordinance.* Bicycles are vehicles, and should not be ridden on sidewalks, but, if so ridden, the municipality is not liable for damages resulting from a collision with a pedestrian, merely because it failed to pass an ordinance forbidding such use of its sidewalks.

ROUZIE v. DANGERFIELD.—Decided at Richmond, January 18, 1900.—*Riely, J. Absent, Cardwell, J.:*

1. **CONTRACTS**—*Fraud in procurement—Election—How made—Promptness.* A contract procured by fraud is voidable at the election of the party defrauded. The election may be by word or deed, but, once made, it is final. If he elect to recind he must do so promptly on discovery of the fraud, or else he will be held to have waived the right.

BUCK v. GUARANTORS LIABILITY INDEMNITY CO. OF PENN., AND GUARANTORS FINANCE CO., OF PHILA.—DELFIELD v. SAME.—Decided at Richmond, January 18, 1900.—*Harrison, J.:*

1. **ATTACHMENTS**—*Deposits by foreign insurance company—Foreign creditors.* The treasurer of this State who holds, pursuant to chapter 53 of the Code, bonds or